



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
CASE NO. 99,829-A

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In Re Application of:
T.G. Dinan

Serial No.: 09/687,384

Filed: October 13, 2000

Title: Treatment and prevention
of gastrointestinal disease
using antagonists or partial
Agonists of 5HT1a receptors

Examiner: Donna A. Jagoe

Group Art Unit: 1614

Commissioner for Patents
Washington, DC 20231

RESPONSE TO THE OFFICE COMMUNICATION OF SEPTEMBER 23, 2002

Responsive to the Office Communication mailed September 23, 2002, please
reconsider the following Supplemental Remarks:

SUPPLEMENTAL REMARKS

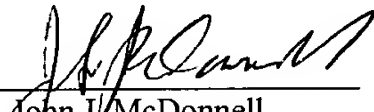
Pursuant to a request under 37 CFR 1.111 applicant, points-out that the references cited in the Office Action, U.S. Patents Nos. 5,403,848; 6,159,979A and 5,859,065 do not describe using RS or S(-) pindolol for treating gastrointestinal disease. Applicant meant to convey this negative finding with regard to the prior art, so the distinction is that the claimed method is not literally described as required by 35 USC § 102. Thus, the amendment to RS, or S(-) pindolol distinguish the claims from the prior art.

With regard to the 35 USC § 103 obviousness rejection, applicant points out as stated above, the RS or S(-) pindolol in treating gastric disorder is not identically disclosed and applicant has described how data from the application renders those claims unobvious. For USC § 103 purposes the Office assumes that the identically claimed invention is not described.

It is earnestly believed the claims are in condition for allowance purposes.

Respectfully submitted,

By: _____


John J. McDonnell

Reg. No. 26,942

McDonnell Boehnen
Hulbert & Berghoff
300 S. Wacker Drive
Chicago, IL 60606
Telephone: (312) 913 0001
Facsimile: (312) 913 0002



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**Assistant Commissioner for Patents
Washington, DC 20231**

TRANSMITTAL LETTER

In regard to the above identified application:

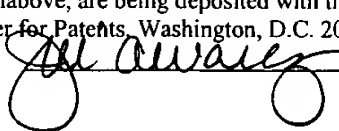
1. We are transmitting herewith the attached:
 - a. Response to Office Communication of September 23, 2002;
 - b. Postcard.
2. No Fee is Required.
3. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490. A duplicate copy of this sheet is enclosed.

**McDONNELL BOEHNEN
HULBERT & BERGHOFF**


John J. McDonnell
Reg. No. 26,949

McDONNELL BOEHNEN
HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 913-0001

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as U.S. Mail addressed to: Commissioner for Patents, Washington, D.C. 20231 on this 23 day of October, 2002.



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